REMARKS

Claims 1 and 3-26 are currently pending in the subject application and are presently under consideration. Claim 26 has been amended as shown at pages 2-6 of the Reply. The amendments set forth with respect to claim 26 recite aspects previously presented and considered in claim 1, and therefore, a new search is not required in view of these amendments. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1 and 3-25 Under 35 U.S.C. §103(a)

Claims 1 and 3-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada, *et al.* (US 2001/0044332) in view of Nicholas, III (US 2004/0133668). It is requested that this rejection be withdrawn for at least the following reasons. Yamada, *et al.* and Nicholas, III, taken alone or in combination, do not teach or suggest every element of the claimed invention.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there ***must be some suggestion or motivation***, either in the references themselves or in the knowledge generally available to ***one of ordinary skill in the art, to modify the reference or to combine reference teachings***. Second there must be a ***reasonable expectation of success***. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. *See* MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The subject invention recites facilitating selective power management in a wireless mobile terminal such that some portions of the terminal may remain powered and operable while removing power from components not being utilized. More specifically, the subject invention can employ a plurality of power management schemes, stored in a configuration bank, while ensuring continuous and uninterrupted network connectivity by maintaining power to components necessary to facilitate such connectivity (*e.g.*, network radio, CPU, etc). To this

end, independent claim 1 (and similarly claims 14 and 19) recites ***a configuration bank that stores power management schemes***; and a power management component that utilizes at least one power management scheme to selectively control power to one or more portions of the wireless mobile terminal and ***maintains power to a CPU and a network radio . . . while removing power from other portions of the wireless mobile terminal.*** Yamada, *et al.* and Nicholas, III do not alone or in combination teach or suggest every element of the claimed invention.

Yamada, *et al.* generally relates to a power management scheme for devices containing magnetic disks or other components that require a significant amount of power to operate. Specifically, Yamada, *et al.* discloses a component being notified of a peak power consumption event (*e.g.*, a magnetic drive spinning-up), and reducing power to other components based on this event. (*See* pg. 3, ¶¶ [0035] and [0036]). The system then waits for notification that the peak power consumption event has ceased, and once this notification is received, the reduced power components are given full power again. (*See* pg. 3, ¶ [0037]). Nowhere in Yamada, *et al.* is ***maintaining power to a CPU and a network radio . . . and a configuration bank that stores power management schemes***, as recited in the subject claims, taught or suggested.

Specifically, the Examiner states that Yamada, *et al.* teaches maintaining power to a CPU and also removing power from other portions of a wireless terminal. Applicants' representative avers to the contrary in that Yamada, *et al.*, particularly in the sections cited by the Examiner, discloses reducing power of a CPU and LCD upon a peak power consumption event while the claimed invention recites ***maintaining power to a CPU.*** It is not possible to reduce power to a CPU while at the same time maintaining power to the CPU. Moreover, assuming *arguendo* Yamada, *et al.* teaches or suggests maintaining power to a CPU, the sections of Yamada, *et al.* cited by the Examiner disclose maintaining power to a CPU access monitoring portion, which is not a CPU. In view of at least the foregoing, Yamada, *et al.* fails to disclose ***maintaining power to a CPU.***

Additionally, as acknowledged by the Examiner, Yamada, *et al.* fails to disclose ***maintaining power to . . . a network radio.*** Examiner offers Nicholas, III to cure this deficiency; however, Nicholas, III fails to adequately account for this aspect. Nicholas, III relates to utilizing various protocols of a portable device to connect to the most preferred network without requiring user intervention. In particular, Nicholas, III discloses seamless transitions to

disparate networks and providing continuous network connections among these networks regardless of the power state of end user devices. However, Nicholas, III is silent with respect to ***maintaining power to . . . a network radio***.

Furthermore, merely disclosing providing continuous network connection as in Nicholas, III, is not indicative of maintaining power to a network radio since sustaining continuous network connectivity can be achieved simply by setting a host-based variable. Using such a variable requires no prerequisite that the wireless consuming device have power to the network radio at *all* times since the status resides on the host device and is typically updated through subsequent polling from that device. One could simply calculate the times of the polling and only power the network connecting portion at those times to keep network connectivity. Therefore, disclosing continuous network connection does not directly indicate ***maintaining power to . . . a network radio***. Thus, it is apparent that Nicholas, III fails to teach or suggest this element of the subject claims.

Moreover, in the sections cited by the Examiner in support of ***a configuration bank that stores power management schemes***, Yamada, *et al.* discloses a CPU and an LCD having normal and power saving modes of operation. In the event that a peak power consumption operation is initiated, the power of the CPU and LCD is reduced to the power saving mode. When the peak power consumption process completes, these components are brought back to normal modes of operation. There is no mention, however, of ***a configuration bank that stores power management schemes***. For at least the foregoing reasons, and since the reference is otherwise silent, Yamada, *et al.* does not teach this aspect of the claimed invention.

In view of at least the foregoing, and because Nicholas, III fails to make up for the aforementioned deficiencies of Yamada, *et al.* with respect to claims 1, 14, and 19, rejection of these claims, and claims 3-13, 15-18, and 20-25 which respectively depend therefrom, should be withdrawn.

Additionally, Examiner contends that Yamada, *et al.* teaches ***returning power to the portion of the portable terminal upon receiving a signal from a wake event comprising one of a link status change, a network keep alive, a proxy-ARP packet, and a re-authentication packet*** as recited in dependent claim 18. However, Yamada, *et al.* only discloses returning power to a CPU and LCD upon the termination of a peak power consumption event. According to Yamada, *et al.*, peak power consumption events consist of spin-up (upon accessing) of a hard

disk or other magnetic-disk device. (*See* pg. 2, ¶¶ [0018] and [0022] and pg. 3 ¶¶ [0034] and [0035]). The aspects of claim 18, however, recite numerous events which are not further disclosed in Yamada, *et al*, namely a link status change, a network keep alive, a proxy-ARP packet, and a re-authentication packet. Moreover, such events are indicative of processes starting-up (*e.g.*, the spinning-up of a magnetic disk drive), as opposed to events indicating the termination of a process (e.g. the spinning-down of a magnetic disk drive) as disclosed in Yamada, *et al.* To this end, claim 18 recites these events that indicate power is to be restored as ***wake events***, whereas the cause of power restoration in Yamada, *et al.* are *terminating events* such as the *termination* of a magnetic-disk device spinning or the completion of an I/O operation. (*See* pg. 3, ¶ [0037] and pg. 4, ¶ [0047]). For at least these reasons, Yamada, *et al.* does not teach or suggest these aspects of claim 18 and rejection of this claim should be withdrawn at least on these grounds.

Since it has been shown that Yamada, *et al.* and Nicholas, III do not alone or in combination teach or suggest every element of the subject claims, rejection of claims 1, 14 and 19 (as well as claims 3-13, 16-18, and 20-25 which respectively depend therefrom) should be withdrawn.

II. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada, *et al.* (US 2001/0044332) in view of Schneider, *et al.* (US 2005/0015618). It is requested that this rejection be withdrawn for at least the following reasons. Yamada, *et al.* and Schneider, *et al.*, taken alone or in combination, do not teach or suggest every element of the claimed invention. More particularly, Schneider, *et al.* fails to make up for the aforementioned deficiencies of Yamada, *et al.* with respect to ***maintaining power to a CPU and a network radio*** as recited in amended claim 26. For this reason, rejection of this claim should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP193US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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